



1 SATCHIDANANDA MIMS
2 P.O. BOX 19304
3 OAKLAND, CA 94619

4 510-530-6345

5 ("Creditor") In Pro Se

6 **UNITED STATES BANKRUPTCY COURT**
7 **EASTERN DISTRICT OF VIRGINIA**

8 In re:

9 CIRCUIT CITY STORES, INC., et al.

10 Debtor(s).

Case No.: 08-35653-KRH

Chapter 11

(Jointly Administered)

11 **CREDITOR'S REPLY MEMORANDUM**
12 **OF POINTS AND AUTHORITIES IN**
13 **FURTHER SUPPORT OF MOTION FOR**
14 **RELIEF FROM AUTOMATIC STAY**

15 **DATE:** February 13, 2009

16 **TIME:** 10:00 a.m.

17 **DEPT:** Room 5000

18 **JUDGE:** Honorable Kevin R. Huennekens

19 **INTRODUCTION**

20 Satchidananda Mims a.k.a. Satchi Mims ("Creditor") hereby replies to Debtors objection
21 and response to Creditors motion for relief from automatic stay and request the United States
22 Bankruptcy Court for an order terminating the automatic stay pursuant to 11 U.S.C. § 362 (a) put
23 into place upon the Chapter 11 Bankruptcy filing of Circuit City Stores, Inc. ("Debtor"), to
24 continue the pending California State Superior Court litigation.

25 **RELEVANT FACTS**

26 On November 10, 2008 (the "Petition Date"), the above-captioned debtors and debtors-
27 in-possession (collectively, "Debtors"), filed voluntary petitions in this Court for relief under
28 chapter 11 of title 11 of the United States Code (the "Bankruptcy Code").

1 As a result of Debtors bankruptcy filing the pending litigation was automatically stayed.
2 Satchidananda Mims a.k.a. Satchi Mims ("Creditor") seeks termination of the automatic stay to
3 continue pending litigation with Debtor in Superior Court of California, the County of Alameda
4 Case no. RG08399323. In which ("Creditor") is the Plaintiff and Circuit City Stores, Inc.
5 ("Debtor") is the Defendant.
6

7 **RELIEF FROM AUTOMATIC STAY IS UNEQUIVOCALLY WARRANTED**

8 Contrary to ("collectively, Debtors") counsel arguments that Debtors would in some way
9 be prejudiced by Satchidananda Mims a.k.a. Satchi Mims ("Creditor") motion for relief from the
10 automatic stay to continue pending California litigation, and relief from the automatic stay is not
11 necessary, because of the two proof of the claim forms that Creditor filed for Circuit City Stores,
12 Inc. and Circuit City Stores West Coast, Inc., relief from the automatic stay is necessary to
13 prevent prejudice of both Creditor and Debtors. Therefore cause for lifting the automatic stay
14 exists.

15 Although Creditor filed two proof of claim forms for Circuit City Stores, Inc. and Circuit
16 City Stores, West Coast Inc., that information alone doesn't dispute the fact that cause exists to
17 grant Creditor relief from the automatic stay. Creditor filed the two claims to comply with the
18 order barring unsecured creditors claims if not filed by January 30, 2009. See exhibit 4. In
19 addition the Creditor's claim is disputed by Debtors in their answer in the Superior Court of
20 California. See exhibit 3. The proof of claims states that its basis is the same as the causes of
21 action in Superior Court for \$9500.00 damages. Debtors have disputed the amount in lawsuit in
22 Superior Court and although they haven't objected to the recently filed claims, based on their
23 past actions, Debtors will almost certainly object to the proof of claim forms, filed in U.S.
24 Bankruptcy Court.

25 Granting the motion for relief from automatic stay will prevent prejudice to both parties
26 by allowing all disputes to be resolved in its proper jurisdiction, the California Superior Court. If
27 motion is not granted, the amount of damages stated in two claims against debtors, may not be
28 reflected correctly and upon objection of Debtor's will cause Creditor to file a complaint in U.S.

1 Bankruptcy Court, causing Creditor to start the judicial process over. Starting the judicial
2 process over would be a waste of judicial resources. See *In re Murray Industries, Inc.* 121 B.R.
3 635, 637. The action only involves issues of state law. Under the circumstances, there is a clear
4 policy that favors having the matter heard and determined in state court. See supra *O'Rourke v.*
5 *Cairns* 129 B.R. 87, 91. In addition, the Creditor needs relief from the automatic stay to collect
6 from debtor's insurance on his computer. See attach exhibit 5. Debtors states on their media and
7 customer FAQ web page that Extended Warranties ("Insurance") will be unaffected by the
8 bankruptcy. That fact alone warrants granting Creditor motion. See *International Business*
9 *Machs. v. Fernstrom Storage & Van Co. ([In re Fernstrom Storage & Van Co.])* (1991) 938 F.2d
10 731. Therefore justification and cause exists for the court to grant Creditors motion for relief
11 from the automatic stay.

12
13 **CONCLUSION**

14 For the reasons and based on the law set fourth above, Creditor is entitled to relief from
15 the automatic stay to continue pending litigation and request assistance from government
16 agencies such as the California Department of Consumer Affairs which help consumers recover
17 damages from retailers.

18 Dated this 09th day of February, 2009

19 Respectfully submitted,

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22 SATCHIDANANDA MIMS
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EXHIBIT

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Media and Customer FAQ Updated January 20, 2009 Circuit City Stores, Inc. to Liquidate

News Editors: please note that out of respect for our associates, we are NOT permitting media visits or interviews in our stores. Also, local store headcounts are not available.

Note: Check for updated information at the following URL:
<http://investor.circuitcity.com>
Click on "breaking news" for documents

In the meantime, we hope this summary will provide answers to most of your questions and we hope the information is helpful to you.

Source:
Jim Babb, Corporate Communications
Circuit City Stores, Inc.
Richmond, VA
804 486 4003
Jim_babb@circuitcity.com
(If you have additional questions, please email them)

GENERAL QUESTIONS:

What's going on at Circuit City?

- Due to challenges to our business and the continued bleak economic environment, Circuit City is going out of business and the company's assets will be liquidated to pay off creditors.
- The process was extremely difficult, and we were left with no other choice but to liquidate. Circuit City had a proud heritage of serving the public for 60 years, and we deeply regret the impact this decision will have on our associates, our customers and the communities where we have operated stores and other facilities.
- We had hoped to be able to emerge from Chapter 11 Bankruptcy protection as a stronger, more competitive company, and we made significant progress during the reorganization to improve our business. Unfortunately, the economic climate is so poor that we have no choice other than liquidation.
- Liquidation managers began arriving in our 567 stores across the U.S. over the weekend of January 17-18 and closing sales were started as early as Saturday, January 17. Closing sales will run as long as it takes to sell existing inventory but are expected to wrap up by the end of March. When the liquidation sales are completed, the stores will be closed.

- At the company's corporate offices in Richmond, Va., a small staff will remain on duty during the completion of the liquidation process; most associates will be relieved of their duties immediately.
- In some locations, a specific amount of notice regarding this change may be required by state or federal law. Regardless we are informing all locations as soon as possible.
- Associates at our company headquarters will be asked to come back on Monday, January 19, to find out more about their status and to retrieve their personal belongings.

Will Circuit City's Web site, www.circuitcity.com, continue to operate?

- Circuit City's Web site and call center have been shut down, at least for the time being. Please feel free to check back from time to time for updates.

Are you also shutting down your operations in Canada?

- No, our Canadian operations will continue. They are not affected by the liquidation of Circuit City's U.S. operations. The Canadian operations employ approximately 3,000 associates.

How many people are losing their jobs as a result of this action?

- Circuit City employs approximately 34,000 associates in the U.S.

Can you provide some background on Circuit City?

- Founded in 1949 as the Wards Company, Circuit City is headquartered in Richmond, Va. At the time of the liquidation announcement (January 16, 2009), the company operated 567 stores in 153 media markets in the U.S. and approximately 765 retail stores and dealer outlets in Canada.
- For a timeline history of the company, go to <http://investor.circuitcity.com>, and click on Company Information.

What happens to the company's stock?

- The company does not anticipate any value will remain from the bankruptcy estate for the holders of the company's common equity, although this will be determined in the continuing bankruptcy proceedings.

What if I believe Circuit City owes me money?

- On December 19, Circuit City's agents mailed out Notice of Commencement of Chapter 11 Bankruptcy Cases, Notice of Deadline for Filing Proofs of Claim, and Proof of Claim Form(s). These Notices can be found at www.kccllc.net/circuitcity under the "Court Documents" link, dated 12/12/2008. A Proof of Claim form can be found at www.kccllc.net/circuitcity.
- The Notice and Proof of Claim Form provide you with the information you need to file a Proof of Claim relating to those monies, if necessary.

- Receiving the Notice does not necessarily mean that you have a claim or that you need to file a Proof of Claim.
- The Bar Date is the date set by the Bankruptcy Court by which a creditor (anyone owed money by Circuit City) must file a Proof of Claim against the company relating to the period before November 10, 2008. The Bar Date is January 30, 2009, 5:00 p.m. Pacific Time. For more information about how to meet this deadline, please follow the instructions in the Notice.

I am a former employee and need contact information for my retirement plan or other benefits. Whom do I contact?

- We are working on a detailed FAQ document for our former associates. When we have more information, we expect to post it at this link: <http://investor.circuitcity.com/announcement.cfm>. Please feel free to check back from time to time for updates.

CUSTOMER QUESTIONS:

Will Circuit City stores continue to accept Circuit City GIFT CARDS?

- Yes, customers holding Circuit City gift cards may redeem them at full value at our stores during the liquidation sales. Once the stores are closed and the company is out of business, the gift cards will have no value.

Are Circuit City's EXTENDED WARRANTIES affected by the liquidation?

- No. Circuit City Advantage Protection Plans® (extended warranties) have been backed by third-party independent companies for more than 15 years and as a result, are not impacted by Circuit City's closing.
- Currently, all Circuit City Advantage Protection Plans are fully backed by the Assurant Solutions companies. Assurant Solutions operates as Federal Warranty Service Corporation, Sureway, Inc., and United Service Protection, Inc. Assurant Solutions is part of Assurant, Inc. (NYSE: AIZ), and its extended service contracts are backed by an Assurant insurance subsidiary rated A "Excellent" by A.M. Best Co.
- Because they are backed by third-party company Circuit City Advantage Protection Plans WILL be available on products purchased during Circuit City's liquidation sales.

What number do I call about my Circuit City Advantage Protection Plans® (extended warranty)?

- If you have questions about your TV (in-home) or appliance coverage, call 1-800-878-1167.
- If you have questions about your coverage for computers, computer-related products, small/portable electronics, and carry-in products, call 1-800-555-4615.
- If you have questions about coverage purchased in Puerto Rico, call 1-877-311-0611.

Who do I call if I have questions about the status of Circuit City Rebates?

- You can check the status of your Circuit City Rebate at the following Web site: <https://www.ccityrebates.com/promocenter/circuitcity/index.jsp>
- Please note that manufacturers' rebates are the responsibility of the various manufacturers.

What payment types will be accepted at the liquidation stores?

- Stores in liquidation will accept cash, Circuit City gift cards, Circuit City Rewards Certificates, and most credit cards. Personal checks will not be accepted. All sales are final.

How much will merchandise be marked down, and can customers negotiate prices for the merchandise?

- There will be clearance pricing, but specific discounts are not being announced. All sale prices are at the discretion of the liquidator. Prices are non-negotiable and all adjustments must be approved by the liquidator's on-site managers.

Who are the liquidation firms that will handle the closure of Circuit City stores?

- The Bankruptcy Court confirmed a consortium of four companies to administer the liquidation of CC stores: Great American Group WF LLC, Hudson Capital Partners LLC, Capital Group LLC and Tiger Capital Group LLC.
- The liquidators will be in charge of pricing questions and marketing the liquidation sales.

Circuit City-Branded CREDIT CARD questions:

Do customers who hold Circuit City-branded credit cards need to pay off their balances immediately? Can they just stop making payments now that Circuit City is in liquidation?

- Customers should continue to follow the current payment terms /APR that they're currently operating under. Circuit City's credit card program is administered by Chase and customers will continue their credit relationship and repayment of their obligations with Chase.

Will Chase close-out or transfer accounts for Circuit City-branded credit cards?

- This is a Chase decision since they own the credit card relationship with the customer and Chase is not going out of business. If there are modifications to the card type, then Chase would notify the card holder. Customers with a Circuit City Rewards Visa can still use their card at any company that honors VISA.
- No new Circuit City-branded credit cards will be issued and no new reward points will accrue from a Circuit City purchase.

Will Circuit City stores in liquidation stores accept Circuit City-branded credit cards for purchases? If not, why not?

- No, Circuit City-branded cards will not be accepted in the liquidation stores because we are not offering promotional financing or rewards in the liquidation stores and we want to avoid any customer confusion.

Can I use my Circuit City Rewards Certificates?

- Circuit City Rewards Certificates will be accepted during the liquidation sales. Just bring your Circuit City Rewards Certificate to your local store, and the points will be redeemed for credit toward a purchase.

So, the financing offers spelled out in your national newspaper circulars on Sunday, January 18, 2009 will not be honored?

- That's correct. Those ads were printed weeks before the Bankruptcy Court approved Circuit City's liquidation on January 16 and were in the circulation pipeline before the hearing. The liquidation order supersedes any other business the company had in the works, including advertised promotions.
- Circuit City will cease marketing and advertising immediately. Any marketing for the liquidation sales will be the responsibility of the liquidators.

Will Circuit City's price matching policy or the One Price PromiseSM apply during the liquidation sale?

- Because the liquidation company is in charge of the sales at the closing stores, their policies are in force. So, One Price Promise does not apply during liquidation events, nor does the company's Unbeatable Price Guarantee. All sales are final.

What about returns and refunds?

- Customers can return products they purchased prior to January 16 for a 14-day period for exchange or refunds. All other terms of return policy are in force.
- When closing sales begin, on or around January 17, 2009, all sales will be final.
- For products covered under the Manufacturer's Warranty, customers should call the manufacturer.

SERVICES QUESTIONS

Will delivery service be available for products purchased from liquidation stores?

- No.

Will Circuit City offer home theater installations during the closing sale?

- No.

Will Circuit City offer PC services and repairs at liquidation stores during the closing sale?

- Services already underway at the liquidation stores will be completed promptly, but no additional jobs will be accepted at these stores.

Will car electronics installations be available at liquidation stores during the closing sale?

- Yes, Circuit City will continue to offer car electronics installation during the closing sale.

What if a customer purchased products at one of the closing stores and the product needs service?

- For products covered under the Manufacturer's Warranty, customers should call the manufacturer.
- For products covered under Circuit City Advantage[®], guests can call the toll-free number that is printed on the bottom of the product receipt.

###

SATCHIDANANDA MIMS

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February 09, 2009

Attn: William C. Redden, Clerk of the Court
U.S. Bankruptcy Court
701 East Broad Street
Richmond, VA 23219-1888

Re: In re: Circuit City Stores, Inc., et al.

Dear sir or madam:

Please file the Reply Memorandum in further support of Motion for Relief from automatic stay, endorse the copy and place it in the return addressed envelope with postage prepaid already in your possession.

If you have questions or concerns feel free to contact me. Thanks to you for your prompt attention to this matter and your time.

Very truly yours,



Satchidananda Mims

SATCHIDANANDA MIMS
P.O. BOX 19304
OAKLAND, CA 94619

510-530-6345

("Creditor") In Pro Se

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA**

In re:

CIRCUIT CITY STORES, INC., et al.

Debtor(s).

Case No.: 08-35653-KRH

Chapter 11

Declaration of Service by Mail
[Proof of Service]

DATE: February 13, 2009

TIME: 10:00 a.m.

DEPT: Room 5000

JUDGE: Honorable Kevin R. Huennekens

Proof Service

Ms. Akenduca Beasley, the undersigned, hereby declares:

I am a citizen of the United States. I am over the age of 18 years and not a party to within action.

My mailing address is: PO Box 19304, Oakland, CA 94619. On February 09, 2009, at the

direction of Satchidananda Mims a.k.a Satchi Mims, ("Creditor") in Pro Se, I served a copy of

this Reply Memorandum in further support of Creditor's Motion For Relief From Stay, Proposed

Order and Exhibits, upon each party required to receive notice under Local Bankruptcy Rule

4001(a)-1(E) (1), postage thereon fully prepaid, a true copy of thereof as follows:

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I declare under penalty of perjury that the foregoing is true and correct.

Service Executed at Oakland, California on February 09, 2009.

Dated this 09th day of February, 2009


AKENDUCA BEASLEY